Steven Fernlund	
Las Vegas, Nevada 8	0125

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF CONTRAL COUNCIL

2003 SEP 11 A 11: 11

Office of General Counsel Federal Election Commission 999 E St NW Washington, D.C. 20463. MUR # 6069

**September 10, 2008** 

### **COMPLAINT**

I, Steven Fernlund, residing at

Las Vegas, Nevada 89135 here file this complaint regarding the campaign committee known as "Wegner for Congress," with an address of record at 8221 Tursi Ridge Ct, Las Vegas, Nevada 89117. I believe, based upon personal knowledge and the evidence here attached, that Wegner for Congress has violated, is continuing to violate, and will violate in the future federal law regarding campaign finance and disclosure.

On April 30, 2008, Kenneth Wegner filed a Statement of Candidacy for Congress (FEC Form 2) in the First Congressional District of Nevada ("NV-1"), establishing "Wegner for Congress" as his campaign committee. In that filing, a copy of which is attached here as Exhibit 1, Mr. Wegner indicated that he intended to expend \$50,000 in personal funds for the Primary Election, and \$325,000 in personal funds for the General Election. The provenance of those purported funds—or indeed, really *any* of the campaign's funds—were and remain entirely a mystery. The numerous errors, omissions, and failures to file, as evidenced by the documents available on the FEC's publicly-accessible database, are as follows:

To date, Wegner for Congress has filed only FEC Form 3, detailing contributions to the campaign through June 30. Even this Second Quarter filing is improper, as it is dated August 27, 2008; the filing was due June 30, 2008. Under the FEC's definitions and regulations regarding disclosures made more than 30 days after the mandatory deadlines, the Commission should consider Wegner for Congress' Form 3 as "not filed" and in violation of federal campaign disclosure laws. See Exhibit 2.

- Additionally, Wegner for Congress did not file the required pre-primary election disclosures for the period July 1 through July 23 that was due to be filed by July 31—now also well beyond any acceptable late-filing date.
- Neither has Wegner for Congress filed the required 48-hour notices for the period July 24 to August 9, now also more than 30 days past due.
- Wegner for Congress' FEC Form 3 filed August 27, 2008, indicates that all contributions to the campaign from individuals other than the candidate himself were in cash, and each was far in excess of the \$100 limit imposed by law for cash contributions.
- Wegner for Congress' FEC Form 3 filed August 27, 2008, indicates that the campaign considers itself eligible to take advantage of increased donation limits due to its opponent's spending under 2 U.S.C. 441(e). Not only has the so-called "millionaires' amendment" been struck down by the United States Supreme Court in *Davis v. FEC*, but there is nothing in the filings of Wegner's opponent, Representative Shelley Berkley, regarding self-funding that would justify any claim by Wegner for Congress that it would qualify for any increased donation limits. See Exhibit 2, page 5.
- Within Wegner for Congress' FEC Form 3 filed August 27, 2008, the campaign lists on Page 5 a \$1,500 contribution from one "Robert Smith," but fails to note Smith's address, employer, or occupation, as required by law. This single contribution comprises more than half the monies reported raised by Wegner from individuals other than the candidate himself, but the campaign does not disclose the information required of it by federal statute. See Exhibit 2, page 5.
- Included with this complaint is documentation of media buys made by Mr. Wegner's campaign, and photographs of campaign signage displayed in the district. See Exhibit 3, copies of media buy records and photographs of campaign signage. Wegner for Congress' media buys totaled, in a two-week period in April and May alone, more than \$8,000.00. Wegner for Congress has disclosed donations from individuals other than the candidate of \$2,850.00, and total contributions of \$11,347.00 when the candidates own contributions are included. Wegner for Congress asks the public to believe that it ran and won a contested major-party primary, and now is conducting a full-fledged general election campaign complete with media advertising purchases and signage throughout the Las Vegas metropolitan area, and maintains a full campaign staff (as detailed on the campaign website, http://www.kennethwegner08.com) but has raised only \$11,347.00 and spent merely \$8,331.00. This defies rational belief, and hints at gross negligence in Wegner for Congress' failures to disclose the amounts and origins of its campaign funds.

This course of conduct is entirely unacceptable for a major-party candidate for federal office. There are no exceptions to federal disclosure requirement that are applicable to Wegner for Congress. The lack of disclosure raises serious questions about the accounting and compliance practices of Wegner for Congress, and the potential co-mingling of personal and campaign funds.

The purpose of disclosure laws are to provide the voting public with the transparency necessary to evaluate candidates; if Wegner for Congress is allowed knowingly and willfully to evade that process, the voting public is itself harmed. There is no way, from the current filings, for the voting public to know who or how Wegner for Congress is funding its campaign.

To my knowledge, this is not the first time Mr. Wegner and his campaign committees have failed to abide by federal law. See Exhibit 4, previous Failure to File Notices to Wegner for Congress. The repetitive and systemic nature of these violations demands both increased scrutiny of Wegner for Congress by the FEC and increased penalties for continued non-compliance.

I urge the General Counsel to recommend an investigation into Wegner for Congress for its distressing lack of reporting or accountability.

I affirm and attest that, to the best of my knowledge, the above statements are true.

Subscribed and sworn to before me this 4th day of September, 2008.

Notary Public in and for said County and State.

Notery Public - State of Neverle County of Clerk ERIN L. PARCELLS My Appointment Expires No. 01-10446-1 March 14, 2010

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FEC FORM 3

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## SUMMARY PAGE of Receipts and Disbursements

FEC Form 3 (Noviced 02/2003)

Page 2

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## DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2005)

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FEC Form 3 (Revised CS/G003)

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# Contract Data Form - Summary

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# Contract Data Form - Summary

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# FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

Christine R. Accardi, Treasurer Wagner for Congress 121 Gass Las Vegas, NV 89101

IDENTIFICATION NUMBER: C00421628

Reference: July Quarterly Report 4/1/2006 - 6/30/2006

Dear Treasurer:

It has come to the attention of the Federal Election Combave failed to file the above referenced report of receipts required by the Federal Election Campaign Act, as amended. notified of the due date for this report.

It is important that you file this report immediately (Commission, 999 E Street, N.W., Washington, D.C. 20463 for Secretary of the Senate, 232 Hart Senate office building, for Senate candidates. A copy of the report must also be of State or equivalent Sate officer unless the State is requirement to receive and maintain paper copies. You car receipt of any documents submitted by your committee www.fec.gov.

The failure to timely file this report may result in di audit or legal enforcement action. The civil money penalty reports does not include a grace period and begins on the d date for the report. Due to heightened security screening a mail by the US Postal Service may be delayed. The Commission



## FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

CHRISTINE R ACCARDI, Treasurer WEGNER FOR CONGRESS 121 GASS LAS VEGAS, NV 89101

IDENTIFICATION NUMBER: C00421628

Reference: 12 Day Pre-Primary Report 7/1/2006 - 7/26/2006

Dear Treasurer:

It has come to the attention of the Federal Election Conhave failed to file the above referenced report of receipts required by the Federal Election Campaign Act, as amended. notified of the due date for this report.

You will be allowed four (4) business days from the data this report to avoid publication.

The report must be filed with the Federal Election Commu.W., Washington, D.C. 20463 for House candidates, or the Scale Hart Senate office building, Washington, D.C. 20510, for copy of the report must also be filed with the Secretary of Sate officer unless the State is exampt from the federal remaintain paper copies. If you have filed the report timely or registered mail, please notify us immediately of the certaracking number and the date that the report was sent.

In addition, the failure to timely file this report may penalties, an audit or other legal enforcement action. The calculation for late reports does not include a grade perior

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## FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

Jeanne Schneider, Treasurer Wegner For Congress 121 Gass Las Vegas, NV 89101

IDENTIFICATION NUMBER: C00421628

Reference: Post-General Report 10/19/2006 - 11/27/2006

Dear Treasurer:

It has come to the attention of the Federal Election Co have failed to file the above referenced report of receipts required by the Federal Election Campaign Act, as amended. notified of the due date for this report.

It is important that you file this report immediately (Commission, 999 E Street, N.W., Washington, D.C. 20463 for Secretary of the Senate, 232 Hart Senate office building, for Senate candidates. A copy of the report must also be of State or equivalent Sate officer unless the State is requirement to receive and maintain paper copies. You car receipt of any documents submitted by your committee www.fec.gov.

The failure to timely file this report may result in ci audit or legal enforcement action. The civil money penalty reports does not include a grace period and begins on the d date for the report. Due to heightened security screening mail by the US Postal Service may be delayed. The Commissi



# FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

February 20, 2

Kenneth Wegner, Treasurer Wegner For Congress P.O. Box 751303 L. V., NV 89136

IDENTIFICATION NUMBER: C00421628

Reference: Year-End Report 11/28/2006 - 12/31/2006

Dear Treasurer:

It has come to the attention of the Federal Election Cohave failed to file the above referenced report of receipts required by the Federal Election Campaign Act, as amended. notified of the due date for this report.

It is important that you file this report immediately Commission, 999 \$ Street, M.W., Washington, D.C. 20463 for Secretary of the Senate, 232 Hart Senate office building for Senate candidates. A copy of the report must also be of State or equivalent Sate officer unless the State is requirement to receive and maintain paper copies. You carecipt of any documents submitted by your committee www.fec.gov.

The failure to timely file this report may result in c audit or legal enforcement action. The civil money penalt; reports does not include a grace period and begins on the date for the report. Due to heightened security screening mail by the US Postal Service may be delayed. The Commiss. submit your report via overnight delivery or courier servi-